IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 12934 of 2007(M)

PETITIONER:

THE ERNAKULAM DISTRICT CO-OPERATIVE
PRINTING PRESS LTD,NO.E-119,CHURCH LANDING ROAD,
COCHIN-16,REPRESENTED BY ITS SECRETARY,I
SRI. K.K.SASIDHARAN.

BY ADV. SRI.DALE P.KURIEN

RESPONDENTS:

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1. THE ADDITIONAL SALES TAX OFFICER-III,
IV CIRCLE,ERNAKULAM.

2. DEPUTY COMMISSIONER (APPEALS),COMMERCIAL
TAXES,ERNAKULAM.

3. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,(TAXES),(B) DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.12934 of 2007-M

Dated this the 12th day of April, 2007

JUDGMENT

This is an appeal pending matter. The petitioner challenges Ext.P6 interim order by which it has been ordered to pay 50% of the amount demanded, pending disposal of the appeal as a condition for grant of stay. The learned counsel for the petitioner submitted that the appellate authority disposed of the appeal without affording an opportunity of being heard. Other contentions are also raised. Having regard to the total amounts involved, the interim order granted by the appellate Tribunal cannot be said to be illegal or irrational. By directing to pay only 50% of the amount, I feel that substantial relief has been granted to the petitioner. The appeal is already posted for final hearing to June, 2007. In view of the above position, I find no reason to interfere. But, it is made clear that I have not expressed anything on the contentions of the petitioner regarding the merits of the case.

The Writ Petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS